

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:16cr340-MHT
)	(WO)
ALVIN LEE McCARY)	

ORDER

On March 30, 2020, Chief United States District Judge Emily Marks entered a general order, pursuant to the authority granted under § 15002(b)(1) of the CARES Act, authorizing judges, "with the consent of the defendant or the juvenile after consultation with counsel, to use video conferencing" for, among other things, "supervised release revocation hearings." General Order, In Re: Criminal Proceedings by Video or Audio Conference, case no. 2:20-mc-3910-ECM (doc. no. 4) at 2. On June 23, 2020, Judge Marks entered an order extending the earlier order for 90 days. General Order, In Re:

Criminal Proceedings by Video or Audio Conference, case no. 2:20-mc-3910-ECM (doc. no. 8).

On August 3, 2020 defendant Alvin Lee McCary filed a waiver, signed by him and his attorney, explaining that he is aware that he has the right to a final revocation in person and that he waives the right to attend his revocation hearing in person and consents to having his hearing conducted by videoconference. Waiver of Personal Appearance and Consent to Conduct Initial Appearance and Subsequent Hearings by Video Teleconference (doc. no. 128). During an on-the-record conference call today, defense counsel reiterated defendant McCary's consent to holding the revocation hearing by videoconference. The government did not object to the hearing proceeding by videoconference.

Based on these representations, and on defendant McCary's consent after consultation with counsel to proceed via videoconferencing, it is ORDERED that the revocation petitions (doc. nos. 109

& 123) are set for a final revocation hearing by videoconference on August 20, 2020, at 9:00 a.m. The courtroom deputy will contact all necessary parties and participants to make arrangements for the proceedings.

DONE, this the 7th day of August, 2020.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE